

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BRANDYWINE COMMUNICATIONS)	
TECHNOLOGIES, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 12-1781 (SLR)
)	
ALCATEL-LUCENT USA, INC.,)	
)	
Defendant.)	

**DEFENDANT'S MOTION TO DISMISS
PLAINTIFF'S WILLFUL INFRINGEMENT CLAIM**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant Alcatel-Lucent USA, Inc. moves to dismiss the allegations of the Complaint directed to willful infringement for failure to state a claim upon which relief can be granted. The grounds for this motion are set forth in Defendant's Opening Brief, submitted herewith.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Stephen J. Kraftschik

Jack B. Blumenfeld (#1014)
Rodger D. Smith (#3778)
Stephen J. Kraftschik (#5623)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@mnat.com
rsmith@mnat.com
skraftschik@mnat.com

Attorneys for Defendant

March 15, 2013
7054649

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2013, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on March 15, 2013, upon the following in the manner indicated:

Stamatios Stamoulis, Esquire
Richard C. Weinblatt, Esquire
STAMOULIS & WEINBLATT, LLC
Two Fox Point Centre
6 Denny Road, Suite 307
Wilmington, DE 19809

VIA ELECTRONIC MAIL

Darlene Ghavimi
FARNEY DANIELS
800 S. Austin Avenue, Suite 200
Georgetown, TX 78626

VIA ELECTRONIC MAIL

Jonathan Baker
FARNEY DANIELS
411 Borel Avenue, Suite 350
San Mateo, CA 94402

VIA ELECTRONIC MAIL

/s/ Stephen J. Kraftschik

Stephen J. Kraftschik (#5623)